

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

**Revision of the Commission's Rules to
Ensure Compatibility with Enhanced 911
Emergency Calling Systems**

Petition of City of Richardson, Texas

CC Docket No. 94-102

To: The Commission

REPLY COMMENTS

North Dakota Network Co. ("NDNC") hereby submits reply comments in the above-captioned matter. NDNC is a subsidiary of SRT Communications, Inc., a rural telephone company, and will be providing PCS service primarily to rural or non-urbanized communities.¹

I. THE CITY OF RICHARDSON'S COMMENTS MISUNDERSTAND THE STATUS OF CARRIER COMPLIANCE EFFORTS, AND THE NEED FOR THE E-2 STANDARD

Certain of the statements made by the City of Richardson, Texas ("Richardson") in its Comments miss the mark. First, Richardson makes the statement that carriers are "fighting to avoid their obligations."² This is not so. Carriers are expending their resources to ensure that their deployment of Phase II services proceeds in an orderly fashion. Commenters described their experiences in working with Public Safety Answering Points ("PSAPs") that were not ready for Phase I services, despite their assurances to the carrier to the contrary.

¹ NDNC is licensee of Broadband PCS stations KNLH232 and KNLH234 and has launched its service on the Minot, North Dakota, F-Block and plans to launch service soon on the Minot D-Block.

² City of Richardson Comments, p. 3.

Second, Richardson states that adopting the E-2 standard is not necessary because carriers have already deployed Phase II service without E-2 having been adopted.³ The carriers never claimed that E-2 was necessary for deploying E911; it is the carriers' contention that they will be able to deploy E911 more quickly with the adoption of the standard.

Third, Richardson argues that the Commission should impose substantial financial penalties on carriers that challenge PSAP requests if there is a finding that those requests were valid on the date sent.⁴ This would hobble the carriers' ability to question a PSAP's readiness. Richardson does not explain how it would be determined that the PSAP request was valid on the date sent; presumably a carrier's mere questioning of a PSAP would result in the initiation of an enforcement action before the FCC. This is not supportable and would place carriers in an untenable position, especially rural carriers. The Commission should note that Richardson does not refute the proposition that PSAPs should supply their readiness documentation to the carriers with their requests for service.

Fourth, Richardson makes the statement that, "There is no good reason to force the public to wait six months for the PSAP's equipment to be installed and then have to wait another six months for [a carrier] to complete work it could have completed in the prior six months."⁵ Richardson is incorrect; the Commission enunciated that reason for the staggered implementation when it adopted the rule originally: Carriers cannot be put into a position of stranding investment in a Phase II buildout if the relevant PSAP is not able to use the technology.

³ Id.

⁴ Id., p. 4.

⁵ Id., p. 7.

This is especially true in rural areas, where there are far fewer customers to absorb the costs of such implementation.

II. STANDARDIZATION IS NECESSARY

Finally, North Dakota Network Co. would like to address statements made by APCO, NENA, NASNA and Tarrant County 911 District (“Public Safety Parties”). The Public Safety Parties feel that standardization is unnecessary and that the number of customized installations will be few and far between and this is a matter best handled by the FCC on a case-by-case basis.⁶ Quite simply, the adoption of a standard will result, overall, in quicker deployment of E911. Initiating a process at the FCC to resolve a dispute or negotiate implementation procedures will unnecessarily waste FCC resources and extend the implementation process.

The Public Safety Parties also oppose the adoption of a “refresh” capability requirement, in the event that the FCC chooses not to adopt the E-2 standard.⁷ Their theory is that, with the refresh capability, carriers will assume that they are free from their obligation to deliver the Phase II location data in a timely fashion. However, in its comments, VoiceStream mentions the difficulty in delivering all of the necessary location information during the short call set-up duration (VoiceStream mentions a time frame of 2 seconds).⁸ Carriers do not have the type of control contemplated by the Public Safety Parties. They cannot choose the length of time it will take to deliver the location information. The request that the FCC adopt a refresh standard is not intended to be a loophole, but rather an assurance that, when it becomes available, the

⁶ APCO, NENA, NASNA and Tarrant County 911 District, Comments, p. 3.

⁷ Id.

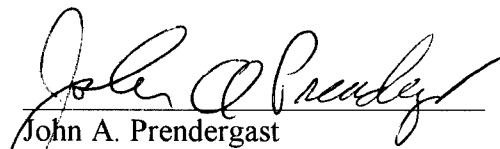
⁸ VoiceStream Wireless Corporation, Comments, pp. 6-7.

information gets to the PSAP and the assistance can be sent to the citizen in distress more effectively.

III. CONCLUSION

The carriers have been asked to complete a huge undertaking within a very short period of time, some on a local scale, others on a national scale. The proposals suggested by Sprint Spectrum L.P. d/b/a Sprint PCS and Cingular Wireless LLC are intended to simplify the implementation of Phase II E911, not to delay it. Wireless companies do not have unlimited personnel and unlimited funds to simultaneously deploy E911 on a wide-scale basis. This is not so. In certain companies, technicians will have to be pulled from other projects. In other companies, additional personnel will need to be hired just to implement E911. Wireless carriers are committed to implement Phase II technology and these carriers are merely trying to help find the most expeditious way to deploy E911.

Respectfully Submitted,

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Dated: January 28, 2002

CERTIFICATE OF SERVICE

I, Kathleen A. Kaercher, do hereby certify that on this day, January 28, 2002, that I served a copy of Reply Comments by first class United States mail, postage prepaid, to each of the parties listed below:

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